

**Bureau of Land Management, Roswell Field Office  
Environmental Assessment Checklist, DOI-BLM-NM-P0100-2010-8-EA**

Resources	Not Present on Site	No Impacts	May Be Impacts	Mitigation Included	BLM Reviewer	Date
Air Quality			X	X	/s/ Michael McGee SWA Spec/Hydrologist	12/23/09
Soil			X	X		
Watershed Hydrology			X	X		
Floodplains	X					
Water Quality - Surface			X	X		
Water Quality - Ground			X	X	/s/ Michael McGee Geologist/Hydrologist	12/23/09
Cultural Resources	X				/s/Rebecca L. Hill 09-R-052A Archaeologist	2Dec2009
Native American Religious Concerns	X					
Paleontology	X					
Areas of Critical Environmental Concern	X				/s/J H Parman Plan & Env. Coord.	12/2/09
Farmlands, Prime or Unique					Realty	
Rights-of-Way						
Invasive, Non-native Species	X				/s/ Helen Miller Range Mgmt. Spec.	12/16/2009
Vegetation		X				
Livestock Grazing		X				
Wastes, Hazardous or Solid		✓			AI Collar HMS/ EPS	Nov 13, 2009
Threatened or Endangered Species	X				/s/ D Baggao Biologist	12/16/09
Special Status Species	X					
Wildlife		X				
Wetlands/Riparian Zones	X					
Wild and Scenic Rivers	X				/s/ Bill Murry Outdoor Rec. Plnr.	12/15/09
Wilderness	X					
Recreation		X				
Visual Resources			X	X		
Cave/Karst		X				
Environmental Justice	X				/s/ Jared Reese Nat. Resource Spec.	12/16/2009
Public Health and Safety		X				
Solid Mineral Resources		✓			/s/ Jerry Dutchover Geo/SPS	12/02/09
Fluid Mineral Resources			X	X	John S. Simitz Geo	12/28/2009

United States Department of the Interior  
Bureau of Land Management  
Roswell Field Office  
2909 West Second  
Roswell, NM 88201



**ENVIRONMENTAL ASSESSMENT**

DIRECT SALE

ROSWELL GUN CLUB

T. 9 S., R. 24 E. New Mexico Principal Meridian

Section 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Section 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 60.00 acres more or less in Chaves County.

NMNM-121140

Prepared by: /s/ Angel Mayes

Angel Mayes  
Assistant Field Manager  
Lands and Minerals

7/14/2010

Date

## INTRODUCTION

### HISTORY AND BACKGROUND

In 1964 and 1965, the New Mexico Military Institute (NMMI) of Roswell acquired lands from the Bureau of Land Management (BLM) through Recreation and Public Purposes Patents (R&PP) for the purpose of a rifle range and safety buffer zone. Sometime after 1965 NMMI conveyed the properties patented through the R&PP process to the Roswell Gun Club. Over the years the Roswell Gun Club constructed a small arm firing range, access road, and berm on public lands without authorization. The BLM is proposing a direct sale to the Roswell Gun Club that will resolve the inadvertent unauthorized use.

The subject property is included in the small arms firing range, firing range safety zone, and contains a firing berm located within section 35, and access road into the firing range that traverses through section 26, T. 9 S., R. 24 E. The small arms firing range, berm and access road were constructed inadvertently on public lands; thus creating an unauthorized use.

The gun range is currently being utilized by several community services including local law enforcement agencies for training and orienteering. The proposed direct sale will eliminate the inadvertent unauthorized use and will provide opportunity for further expansion of the properties in support of the local community.

The subject property, which is comprised of two non-contiguous tracts of land, is roughly 5 miles northeast of the City of Roswell in an area south of U.S. Highway 70 and north of the Old Clovis/Roswell Highway. This is a mostly undeveloped area and a large portion of the land in the immediate proximity of the subject property is currently owned by the New Mexico Military Institute (NMMI) and the Roswell Gun Club.

Location of Proposed Action: The Roswell Field Office of the Bureau of Land Management (BLM) has identified the following subject properties for disposal:

T. 9 S., R. 24 E., New Mexico Principal Meridian, Chaves County, New Mexico

Tract 1            Section 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,

Tract 2            Section 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Illustration A is a map of the subject parcels, comprising 60.00 acres more or less.

### PURPOSE AND NEED

The purpose of this proposed sale is to dispose of the surface estate for two tracts of land that will resolve inadvertent unauthorized use, which cannot be achieved prudently or feasibly on land other than public land. The sale of this land outweighs other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal Ownership.

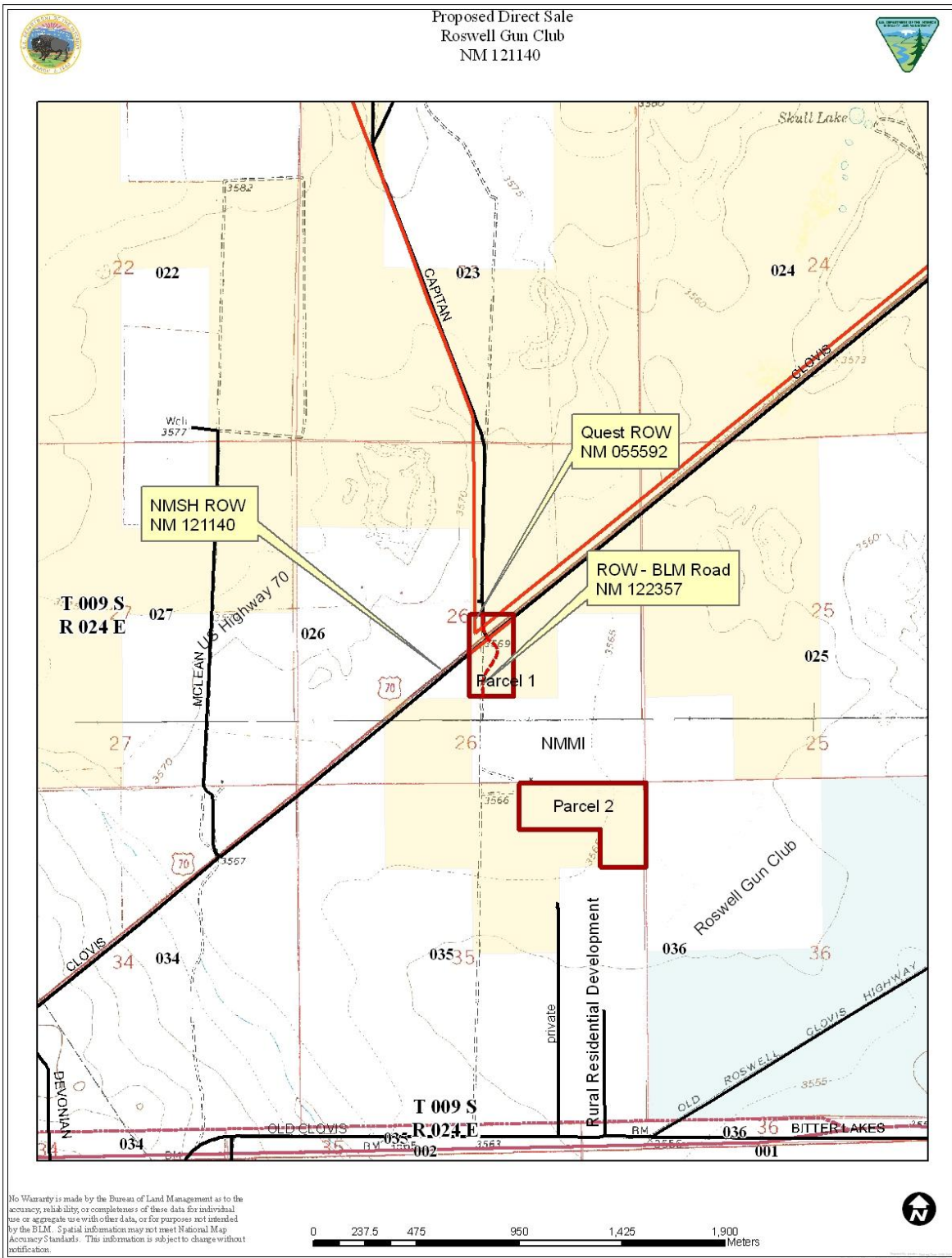
## CONFORMANCE WITH LAND USE PLAN

Disposal of 60.00 acres more or less located in T. 9 S., R. 24 E., New Mexico Principal Meridian Section 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , through direct sale process conforms to the 1997 BLM Roswell Resource Area Management Plan as amended. The Roswell Resource Area Management Plan provides for disposal for unauthorized use through sale to resolve long-standing trespass if disposal criteria are met. Conveyance of the identified public land will be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities.

## RELATIONSHIP TO STATUTES, REGULATIONS, OR OTHER PLANS

The subject parcel has been authorized, designated, and found suitable for disposal in the Roswell Resource Area Management Plan, (Record of Decision, October 1997), and under Section 203 (3) of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2740; 43 U.S.C. 1713). The land is hereby classified for disposal in accordance with Executive Order No. 6910, and with Section 7 of the Taylor Grazing Act, 43 U.S.C. 315F, respectively, and its implementing regulations, 43 CFR Part 2710 and 2711, at not less than the fair market value (FMV) for the parcel.

1. The proposed action does not conflict with any known State or local planning, ordinance or zoning.
2. The proposed action is consistent with the Federal Land Policy and Management Act of 1976, as amended. The act requires that the public lands be managed in a manner that will protect the quality of ecological, environmental, and water resources values, among others, including riparian-wetland areas.
3. The proposed action is consistent with the Endangered Species Act of 1973, as amended. The act requires Federal agencies to ensure that proposed actions do not jeopardize the continued existence of threatened or endangered species or cause its critical habitat to be adversely modified or destroyed.
4. The proposed action is consistent with the Clean Water Act of 1972, as amended. The purpose of the act is to improve water quality for human, fish, and other wildlife. The objective of the law is to “protect the chemical, physical, and biological health of the nation’s waters, at a level of quality which provides protection for fish, shellfish, wildlife, and recreational use.”

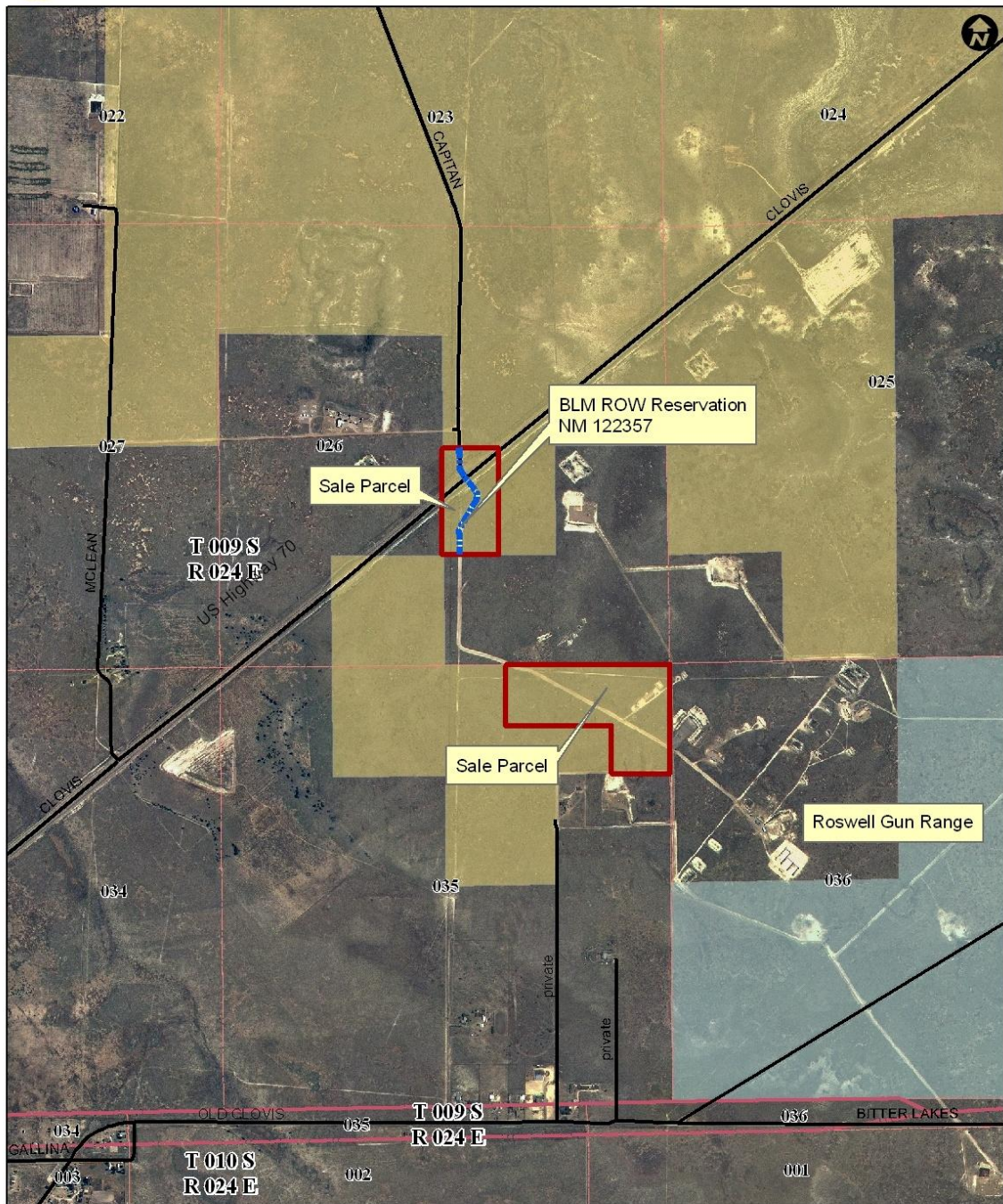


**Illustration A - Map**





Proposed Direct Sale - Roswell Gun Club  
NM 121140



No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data, or for purposes not intended by the BLM. Spatial information may not meet National Map Accuracy Standards. This information is subject to change without notification.

0 162.5 325 650 975 1,300 Meters

## **ALTERNATIVES INCLUDING THE PROPOSED ACTION**

### **ALTERNATIVE A – NO ACTION**

Under the No Action alternative, the land sale as proposed would not be completed. The lands would remain in federal ownership; however, the property would probably remain encumbered by the current facilities that were constructed without authority.

### **ALTERNATIVE B - PROPOSED ACTION**

The Bureau of Land Management proposes to offer 60.00 acres of public land for direct sale to the Roswell Gun Club located in T. 9 S., R. 24 E., New Mexico Principal Meridian, Chaves County, New Mexico Section 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ . The subject property is located roughly 5 miles northeast of the city of Roswell in an area south of U.s. Highway 70 and north of the Old Clovis/Roswell Highway.

The purpose of this proposed sale is to dispose a tract of land that will resolve inadvertent unauthorized use, which cannot be achieved prudently or feasibly on land other than public land. The sale of this land outweighs other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal Ownership.

Lands in the immediate subject area are mostly undeveloped. This is due largely to the very limited availability of community services and the reportedly poor water production by what few wells exist in the area. A large block of land located east and adjacent to the southern subject tract has been used historically as a small-arms firing range. Originally utilized as a military firing range and then later used by the New Mexico Military Institute, the firing range is now owned and operated by the Roswell Gun Club. Rural residential uses are observed south and southwest of the subject tracts.

The following rights-of-way located within the subject parcels will be retained and managed by the Bureau of Land Management and will not be transferred to the new landowner.

Excepting and Reserving to the United States:

A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (26 Stat.291; 43 U.S.C. 945).

The United States reserves a right-of-way, NMLC-065823, issued July 17, 1948 without expiration, issued to the New Mexico State Highway Department and Transportation Department for the construction and maintenance for U.S. Highway 70.

The United States reserves a right-of-way, NMNM-122357, issued pursuant to the Act of October 21, 1976, (43 U.S.C. 1761); located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 9 S., R. 24 E., NMPM, New Mexico. The right-of-way has been issued to the United States of America, administered through the Bureau of Land Management, or its assigns, will have a right to use an existing roadway for the purpose of administrative access to public lands located south of the subject properties. The right-of-way is 1378.34 feet in length by 30-feet in width for approximately .94 acres more or less.

The United States reserves a renewable right-of-way, NMNM 55592, issued May 25, 1983 expiring May 25, 2023 to Qwest Corporation for the construction, maintenance, and operation of a buried telephone line located in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> section 26, T. 9 S., R 24 E., NMPM., New Mexico.

The United States reserves all minerals and minerals interest for and under the subject properties.

A notice and indemnification statement under the Comprehensive Environmental Response, compensation and Liability Act (42 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), holding the United States harmless from any release of hazardous materials that may have occurred as a result of any authorized or unauthorized use of the property by other parties.

### Utilities

The subject property is located outside the incorporated limits of Roswell and, with the exception of electric and telephone, community services such as sewer and water are not readily available. The closest community water is provided by the Berrendo Cooperative Water Users Association, which is currently subject to a moratorium imposed by the State Engineer. Based on information supplied by the Association, this moratorium has restricted any new meters and has significantly limited the development and/or expansion of their service area. The Association does not anticipate any changes in the near future, but long term, with the acquisition of more water rights, and expansion of their service area to and surrounding the subject property might be plausible. However, the Association also reports that any infrastructure needed for delivery in the long-term scenario would be entirely at the property owner's expense.

### Sale Method:

The non-competitive direct sale will be offered in accordance with the applicable provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1713 and 1719), respectively, and its implementing regulations, 43 CFR Part 2710 and 2711, at not less than the fair market value (FMV) for the parcels.

The purchaser will be allowed 30 days from receipt of a written offer from the BLM to submit a deposit of at least 30 percent of the appraised Fair Market Value (FMV) for the parcels, and 180 days thereafter to submit the balance. Payments must be in the form of a certified check, postal money order, bank draft, or cashier's check made payable in U.S. dollars to the order of the U.S. Department of the Interior BLM. Personal checks will not be accepted. Failure to meet conditions established for this sale will void the sale and any monies received will be forfeited. If the balance of the purchase price is not received within the 180 days, the deposit shall be forfeited to the United States and the parcels withdrawn from sale.

Failure to accept an offer to purchase the offered lands within 15 days of written offer shall constitute a waiver of this preference consideration.



Until the acceptance of the offer and payment of the purchase price, the bidder has no contractual or other rights against the United States and no action taken shall create any contractual or other obligations to the United States.

Any patent issued will contain the following numbered reservations, covenants, terms and conditions;

- (1) A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).
- (2) The United States reserves a right-of-way, NMLC-065823, issued July 17, 1948 without expiration, issued to the New Mexico State Highway Department and Transportation Department for the construction and maintenance for U.S. Highway 70.
- (3) The United States reserves a right-of-way, NMNM-122357, issued pursuant to the Act of October 21, 1976, (43 U.S.C. 1761); located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 9 S., R. 24 E., NMPM, New Mexico. The right-of-way has been issued to the United States of America, administered through the Bureau of Land Management, or its assigns, will have a right to use an existing roadway for the purpose of administrative access to public lands located south of the subject properties. The right-of-way is 1378.34 feet in length by 30-feet in width for approximately .94 acres more or less.
- (4) The United States reserves a renewable right-of-way, NMNM 55592, issued May 25, 1983 expiring May25, 2023 to Qwest Corporation for the construction, maintenance, and operation of a buried telephone line located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  section 26, T. 9 S., R 24 E., NMPM., New Mexico.
- (5) The United States reserves all minerals and minerals interest for and under the subject properties.
- (6) A notice and indemnification statement under the Comprehensive Environmental Response, compensation and Liability Act (42 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), holding the United States harmless from any release of hazardous materials that may have occurred as a result of any authorized or unauthorized use of the property by other parties.

No warranty of any kind, expressed or implied, is given by the United States as to the title, physical condition, or potential uses of the parcels of land proposed for sale, and the conveyance will not be on a contingency basis. In order to determine the value, through appraisal, certain extraordinary assumptions may be made of the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. It is the buyer's responsibility to be aware of: (1) All applicable Federal, State, or local government laws, regulations, or policies that may affect the subject parcels or its future uses, and (2) existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It will be the responsibility of the purchaser to be aware of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should also make themselves aware of any Federal or State law or regulation that may impact the future use of the property.

## AFFECTED ENVIRONMENT

This section describes the environment that would be affected by implementation of the proposed action. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Certain environmental components require analysis under BLM policy. The following elements are not present: Areas of Critical Environmental Concern, Prime or Unique Farmlands, Floodplains, Wild and Scenic Rivers, Wilderness or Wilderness Study Areas, Special Status Species, Wastes, Noxious and Invasive Species, Hazardous or Solids, and Wild Horses and Burros.

### GENERAL SETTING

The subject property, which is comprised of two non-contiguous tracts of land, is located roughly 5 miles northeast of the city of Roswell in an area south of U.S. Highway 70 and north of the Old Clovis/Roswell Highway. This is a mostly undeveloped area and a large portion of the land in the immediate proximity of the subject property is currently owned by the New Mexico Military Institute and the Roswell Gun club.

Lands in the immediate subject area are mostly undeveloped. This is due largely to the very limited availability of community services and the reportedly poor water quality produced by what few wells exist in the area. A large block of land located east and adjacent to the southern subject tract has been used historically as a small-arms firing range. Originally utilized as a military firing range and then later used by the New Mexico Military Institute, the firing range is now owned and operated by the Roswell Gun Club. Rural residential uses are observed south and southwest of the by the Roswell Gun Club.

### LANDS

The following rights-of-way located within the subject parcel will be retained and managed by the Bureau of Land Management and will not be transferred to the new landowner.

Excepting and Reserving to the United States:

A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

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a buried telephone line located in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> section 26, T. 9 S., R 24 E., NMPM., New Mexico.

The United States reserves all minerals and minerals interest for and under the subject properties

## SOILS

The Soil Survey of Chaves County, New Mexico, Northern Part (USDA Soil Conservation Service 1980) was used to describe and analyze impacts to soil from the proposed action. The soil map units represented in the project area are: Hollomex loam, 0 to 1 percent slopes (HhA) Permeability of the Hollomex soil is moderate. Runoff of the Hollomex soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is high.

## WATERSHED - HYDROLOGY

The watershed and hydrology in the area is affected by land and water use practices. The degree to which hydrologic processes are affected by land and water use depends on location, extent, timing and the type of activity. Factors that currently cause short-lived alterations to the hydrologic regime in the area include livestock grazing management, recreational use activities, groundwater pumping and also oil and gas developments such as well pads, permanent and temporary roads, pipelines and power lines.

## AIR QUALITY

The area of the proposed action is considered a Class II air quality area.

## CLIMATE

Climatic conditions for the disposal area are similar to those found throughout the southwest. The air is dry and generally clear. Summer highs typically range from 90-105 degrees Fahrenheit (F) with a nighttime low of about 70 degrees. Daytime winter temperatures typically range from 55 to 65 degrees (F), with nighttime lows around 25 to 35 degrees (F). Annual precipitation of 8-10 inches occurs in the form of rain during the winter (December-March) and summer months (July-September). Drought conditions are most common from March thru June and less severe during the fall. The earliest killing frost occurs in mid November or early December.

## HAZARDOUS MATERIALS

A Phase I environmental site assessment for hazardous materials has revealed there are no hazardous materials currently within the boundaries of the site.

## WATER QUALITY

Surface: There are no surface waters on the subject property.

Ground: The groundwater wells in the area are finished in the shallow alluvial aquifer and the artesian aquifer. The State of New Mexico Office of the State Engineer's water well data shows fresh water for stock is available in the shallow alluvial aquifer and the artesian aquifer. The approximate depth to water is 15 feet in the shallow alluvial aquifer in the area.

The subject parcels are located within the primary area of the Habitat Protection Zone (HPZ). The United States reserves all minerals and minerals interest for and under the subject properties. Therefore, the management actions and the recommended mitigation measures for resource protection within the HPZ specific to the designated primary area described in the Habitat Protection Zone Environmental Assessment EA-NM-060-00-030 and Decision Record for the Habitat Protection Zone Environmental Assessment NM-060-2000-030 will continue within the subject properties. The June 2006 biological assessment (BA) describes the management prescriptions associated with a primary protection area. The subject properties primary area would receive the full groundwater protection design features (such as steel tanks instead of earthen pits) and the casing protocol described in the biological assessment and the HPZ environmental assessment.

## WILDLIFE

A general wildlife habitat description is provided for the proposed land disposal totaling about 60 surface acres (see map) of federal land.

The area of interest is just north and east of Roswell, with the majority of the 60 acres situated between Highway 70 and the Old Clovis Highway. It is an open, relatively flat alkali sacaton grassland habitat on highly alkaline soils. Elevation is about 3,565 feet.

The vegetation and landform found at this site provides habitat to a large range of wildlife species. Some of the common mammals are mule deer, pronghorn, badger, coyote, fox, jackrabbit, cottontail, kangaroo rat and pocket gopher. It also provides habitat for a variety of grassland and desert birds. Important passerine birds include meadowlark, horned lark, lark bunting, Cassin's sparrow, lark sparrow, Chihuahuan raven and loggerhead shrike. Other birds include scaled quail, mourning dove, roadrunner, common nighthawk, killdeer, and a variety of raptors including red-tailed and Swainson's hawk, northern harrier, great horned owl and burrowing owl. It also provides habitat to a large variety of common lizards and snakes.

There is a moderate density of developments in the area from past and present gun range activities. The lands are within the Chaves County agricultural zoning district which is the least restrictive zoning in terms of the type of developments allowed in the area.

The 80-acre Chaparral Skeet Club is located north of Highway 70 and due west of Capitan county road. The BLM does not have any administrative authority at the skeet club but had issued a Recreation and Public Purposes Act lease to the skeet club. The Roswell Gun Club maintains a shooting range with a safety buffer zone between Highway 70 and the Old Clovis Highway that include portions of Section 19, 24, 25, 30 and 36. The range is used by several state, federal and local government agencies, and local clubs. Facilities include buildings, large berms, parking areas, shading structures, tables, access roads and gates.

Oil and gas activity occur mostly on private and State Trust lands to the east and southeast of the parcel.

## THREATENED OR ENDANGERED SPECIES

There are no known threatened or endangered species of plant or animals within the area of interest. The list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2).

Under Section 7 of the Endangered Species Act of 1973 (as amended), the BLM is required to consult with the U.S. Fish and Wildlife Service on any proposed action which may affect Federal listed threatened or endangered species or species proposed for listing. RFO reviewed and determined the proposed action is in compliance with listed species management guidelines outlined in Biological Assessments Cons. #2-22-96-F-102, Cons. #22420-2006-I-0144, and Cons. #22420-2007-TA-0033. No further consultation with the Service would be required.

The proposed parcels for disposal fall within the BLM/Bitter Lake Habitat Protection Zone (HPZ) administratively designated to contribute to the protection of groundwater resources supplying springs at the Bitter Lake National Wildlife Refuge (BLNWR), and to conduct specific management actions within the special management area in order to implement the Reasonable and Prudent Alternative for the Pecos gambusia (*Gambusia nobilis*). The Habitat Protection Zone is comprised of a subsurface area defined by the hydrologic formation of water supplying the springs within the BLNWR, and the surface subwatershed area draining toward the BLNWR. Federal lands and minerals within the Habitat Protection Zone would receive special emphasis for all BLM-authorized actions. The HPZ designation affects approximately 12,585 acres of federal mineral estate and approximately 9,945 acres of federal surface estate within the boundary of the Habitat Protection Zone.

Because the proposed lands identified for disposal are located within the HPZ, a description of the Pecos gambusia and determination follows, including newly-listed snail species and amphipod which share habitat on the Bitter Lake Refuge and is also dependent on ground water resources:

### **Pecos Gambusia** (*Gambusia nobilis*) - Federal Endangered

The Pecos gambusia was listed as endangered under the Endangered Species Conservation Act of 1969, and became an endangered species under the Endangered Species Act of 1973 when that legislation was enacted. No critical habitat has been designated. It is endemic to the Pecos River basin in southeastern New Mexico and western Texas. Natural populations within the Roswell Field Office area occur in several springs and isolated gypsum sinkholes at BLNWR. Introduced populations occur in other sinkholes at BLNWR, and at the Salt Creek Wilderness Area in Ink Pot sinkhole. In addition to the Pecos gambusia, the protection of other special status species such as the Pecos pupfish, Koster's tryonia snail, Pecos assiminea snail, Roswell springsnail, and Noel's amphipod remain a concern. Several of these species occur at the BLNWR.

The Pecos gambusia is a small fish 25-40 millimeters long and is endemic to the Pecos River Basin in southeastern New Mexico and western Texas. Historically, Pecos gambusia occurred as far north as the Pecos River near Fort Sumner, New Mexico, and south to Fort Stockton, Texas. However, recent records indicate that its native range is restricted to sinkholes or springs and their outflows, on the west side of the Pecos River in Chaves County, New Mexico. In spite of population declines, the species remains



locally common in a few areas of suitable habitat. In New Mexico, populations are present on the BLNWR and the Salt Creek Wilderness Area. These areas constitute the key habitat of the species in the RFO area. Populations of Pecos gambusia occur in several springs and isolated gypsum sinkholes at the BLNWR Middle Unit (Lake St. Francis Research Natural Area) and the Ink Spot sinkhole in the Salt Creek Wilderness. Endangerment factors include the loss or alteration of habitat (e.g., periodic dewatering) and introduction of exotic fish species (e.g., mosquitofish). Potential impacts to habitat may also occur from surface disturbing activities at sinkholes or springs and their outflows.

**Pecos Assiminea Snail** (*Assiminea pecosensis*)  
**Roswell Springsnail** (*Pyrgulopsis roswellensis*) -  
**Koster's Tryonia Snail** (*Tryonia kosteri*) -  
**Noel's Amphipod** (*Gammarus desparatus*) –

These three snails and one amphipod are found in the same locations and share the same threats and management needs. All have extremely limited distribution in the Roswell FO area. Significant populations of these species occur at sinkholes, springs and associated spring runs and wetland habitat at the Bitter Lake National Wildlife Refuge. The Roswell springsnail and Koster's tryonia (*Hydrobiid* snails) are known only from Bitter Creek, Lost River and Sago spring system at the refuge, and North Springs at the Roswell Country Club (private land, status uncertain). The Pecos assiminea (marine snail family) is known only from the refuge and Diamond Y Spring near Ft. Stockton, Texas. Noel's amphipod is known only from the refuge. If listed as endangered, BLNWR would be considered critical habitat for these species.

Potential impacts to the snails include local and regional groundwater depletion, surface and ground water contamination, oil and gas extraction activities within the supporting aquifer and watershed, and direct loss of their habitat. The use of septic tanks in the area of interest poses an increased risk of sewage contamination in local groundwater.

Located in the HPZ are other developments that pose an even greater risk for surface and subsurface contamination, such as the growing subdivision located one mile west of the BLNWR, the Atchison Topeka and Santa Fe Railroad, and Highway 70. At the present time, the BLM does not own either the surface or the mineral estate to lands located immediately adjacent to the BLNWR.

Conservation Measures: The following surface use and occupancy restrictions were developed in the Roswell RMP to protect streams, rivers, floodplains, and springs and seeps. No surface occupancy would be allowed within floodplains or within up to 200 meters of the outer edge of 100-year floodplains. No surface occupancy would be allowed within up to 200 meters of the source of a spring or seep, or within downstream riparian areas created by flows from the source or resulting from riparian area management. Produced water disposal pits on public lands would not be allowed on public land west of the Pecos River, within 100-year floodplains or within 200 meters of drainages or springs. OHV designations for the Pecos River floodplain include a combination of closed to OHV use and limited to designated roads/trails. Site-specific evaluations would be conducted on a case-by-case basis. Implementation of elements found in The Shelly Federal #2 EA for all proposed wells in the Habitat Protection Zone.

## SPECIAL STATUS SPECIES

In accordance with BLM Manual 6840, BLM manages certain sensitive species not federally listed as threatened or endangered in order to prevent or reduce the need to list them as threatened or endangered in the future. Included in this category are State listed endangered species and Federal candidate species which receive no special protections under the Endangered Species Act. No known special status species (plant/animal) or critical habitat is present on the surface environment of the project area which includes the surface use for the access road.

## **WETLAND/RIPARIAN ZONES**

There are no wetland/riparian zones in the area of interest. Surface water does not pool or drain to areas connected to any aquatic resources.

## **LIVESTOCK GRAZING**

Approximately 2.5 acres lying north of US 70 fall in to grazing allotment 64054, Little Sinkhole. The allotment contains 360 acres of public land and is authorized for 12 animal units.

## **ENVIRONMENTAL JUSTICE**

On February 11, 1994, Executive Order 12898 “Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations” (order) was published in the Federal Register (59 F.R. 7629). The Order required federal agencies to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

There are no inhabitants on the lands affected by this proposed sale and no low income or minority and no low income or minority populations adjacent to the subject parcel.

In reviewing the impacts of the proposed action, it has been determined that potentially adverse impacts of the sale would not disproportionately affect Native American tribes or minority and/or low-income groups.

## **CULTURAL**

The project falls within the Southeastern New Mexico Archaeological Region. This region contains the following cultural/temporal periods: Paleoindian (ca. 12,000-8,000 B.C.), Archaic (ca. 8000 B.C. –A.D. 950), Ceramic (ca. A.D. 600-1540) Protohistoric and Spanish Colonial (ca. A.D. 1400-1821), and Mexican and American Historical (ca. A.D. 1822 to early 20th century). Sites representing any or all of these periods are known to occur within the region. A more complete discussion can be found in *Living on the Land: 11,000 Years of Human Adaptation in Southeastern New Mexico An Overview of Cultural Resources in the Roswell District*, Bureau of Land Management published in 1989 by the U.S. Department of the Interior, Bureau of Land Management. A cultural resource inventory shall be conducted of the area of effect for the proposed project prior to any ground disturbing activities.

## **ENVIRONMENTAL IMPACTS**

### **IMPACTS OF THE PROPOSED ACTION**

## LANDS

The Bureau of Land Management will establish a right-of-way reservation across the subject property prior to issuance of the patent NMNM-122357, issued pursuant to Section 507 of the Federal Land Policy and Management Act October 21, 1976, (43 U.S.C. 1761). The subject right-of-way is located in the W½NW¼SE¼ of Section 26, T. 9 S., R. 24 E., NMPM, Chaves County, New Mexico. The right-of-way will be issued to the United States of America, administered through the Bureau of Land Management, or its assigns, will have a right to use an existing roadway for the purpose of administrative access to public lands located south of the subject properties. The right-of-way is 1378.34 feet in length by 30-feet in width for approximately .94 acres more or less.

## SOILS

The subject parcels lands would potentially be subjected to increased erosion from surface use activities that create changes in soil conditions that affect vegetation types. Access roads can be a potential source of erosion and dust emissions. The disposal of the land is not expected to have significant impacts on soil resources.

## WATERSHED – HYDROLOGY

Long term direct and indirect impacts to the watershed and hydrology would occur where an increase in impervious surfaces occur with a reduction in infiltration resulting from potential surface use activities on the subject parcels. The disposal of the land is not expected to have significant impacts on watershed and hydrology.

## HAZARDOUS MATERIALS

Implementation of the proposed action could potentially contaminate the ground surface and ground water with lead, arsenic, and antimony from bullets. The natural drainage ways coursing through the proposed project area are subject to infrequent periodic flooding. Depth to ground water is 100+ feet below the ground surface.

There are four movement pathways where lead deposited on firing ranges has potential risk to human health. These pathways are:

- as airborne particulate matter
- as waterborne particles in suspension in storm runoff
- in solution in storm runoff
- in solution in ground water

It is expected that potential lead contamination to ground water resources would not be significant due to high soil pH's, and infrequent low annual rainfall. For these reasons it is also expected that lead deposited particles from firing ranges would not penetrate the ground surface to great depth. If significant concentrations of lead or arsenic reach ground water that is consumed by humans, a variety of health problems could potentially occur. Airborne lead particles may be a result of the shooting activity itself. These particles may settle on the soil surface in gun firing areas and later transported by wind and dust movement. The Pecos River Valley is a dry region with the exception of the river itself.

The four major factors influencing the movement of particulate or dissolved lead through soil media are: rainfall intensity and frequency, soil pH, soil permeability, and soil profile

development (morphology). The proposed action contains soil resources that have a high soil pH, low rainfall, (6 to 9 inches mean annual precipitation), and low rainfall frequency.

Implementation of effective lead management practices would reduce the potential for lead contamination and risks to the health or safety of humans or wildlife.

## AIR QUALITY

Potential indirect impacts would include fugitive dust and exhaust emissions from surface use activities on the subject parcels. The disposal of the land is not expected to have significant impacts on air quality.

## WATER QUALITY

Surface: Any impact would be insignificant because surface waters are not found on the subject parcels.

Ground: The potential development of the subject parcels would change existing hydraulic properties by increasing impervious surface and landscaped areas. The change in hydraulic properties would increase surface water runoff and reduce groundwater infiltration in potentially developed areas as compared to predevelopment conditions. However, groundwater recharge would not significantly decrease from changes in hydraulic properties caused by potential land development on the subject parcels. Potential groundwater withdrawals on the subject properties may occur which may be authorized by the New Mexico Office of the State Engineer which may have an effect on groundwater table levels. The potential use of septic tanks may occur on the subject properties which may pose an increased risk of sewage contamination in local groundwater.

## WILDLIFE

There would be no significant impacts to wildlife resources from the disposal of 60 acres of grassland habitat. Continued use of the access road may result from some small wildlife species killed and their dens or nests destroyed during maintenance of the access road. In general, most tolerant wildlife species have become habituated to the access road and facilities in the area. For other wildlife species with a low tolerance to activities, the operations of the shooting range would continue to displace wildlife from the area due to disturbances by gun range activities and vehicle traffic.

## THREATENED OR ENDANGERED SPECIES -

**Pecos Gambusia** (*Gambusia nobilis*)

**Pecos Assiminea Snail** (*Assiminea pecosensis*)

**Roswell Springsnail** (*Pyrgulopsis roswellensis*)

**Koster's Tryonia Snail** (*Tryonia kosteri*)

**Noel's Amphipod** (*Gammarus desparatus*)

The greatest potential threat to these species from actions under BLM purview would remain oil and gas development. The BLM would retain federal mineral ownership for the lands proposed for disposal. New wells on existing leases would be required to follow appropriate stipulations and design features as set forth in Onshore Oil and Gas Order No. 1.

Effect Determination: May Affect, Not Likely to Adversely Affect. The effects due to the proposed action and alternative have adverse aspects that are discountable or insignificant.

**SPECIAL STATUS SPECIES** – Not present. No impacts.

**WETLANDS/RIPARIAN ZONES** – Not present. No impacts.

## **VISUAL RESOURCES**

Disposal of the subject parcel would eliminate the BLM's management of visual resources. Probably future development could potentially affect views within the local area.

## **RECREATION**

Disposal of the subject parcel would remove it from BLM management and could eliminate dispersed recreation activities such as walking, nature study, and target shooting on this site. If the parcel is subdivided, walking and biking for recreational enjoyment by private landowners is expected to increase on subdivision streets.

## **VEGETATION**

The subject property will be sold through a non-competitive direct sale. Possible development would lead to a loss of a large portion of the current vegetation due to roads, houses, businesses being constructed, or agricultural development.

## **CULTURAL**

A cultural resource inventory was conducted for the area of effect (09-R-052A), no Historic Properties were identified. No cultural resources will be affected.

## **LIVESTOCK**

As 2.5 acres of the 60 acres which are being proposed for disposal lie within Allotment 64054 make up less than one percent of the allotment, no adjustment to the grazing permit will be made. Per 43 CFR part 4100, 4110.4-2(b), when public lands are disposed or devoted to a public purpose which precludes livestock grazing the permittee shall be given 2 year prior notification, before their grazing permit and grazing preference may be cancelled or modified in part. A permittee may unconditionally waive the 2-year prior notification. The authorized user of Allotment 64054 has waived the 2-year prior notification.

## **ENVIRONMENTAL JUSTICE**

There are no inhabitants on the lands affected by this proposed sale and no low income or minority and no low income or minority populations adjacent to the subject parcel.

## **CUMULATIVE IMPACTS**



The subject parcel is located in Chaves County, located roughly 5 miles northeast of the city of Roswell in an area south of U.S. Highway 70 and north of the Old Clovis/Roswell Highway. The new landowners will more than likely continue to utilize the subject for firing range facilities and access into their existing facilities.

Existing developments on the land include a two-track road for access into the Roswell Gun Club properties; road right-of-way issued to the New Mexico State Highway Department and Transportation Department for the construction and maintenance for U.S. Highway 70, and buried telephone line right-of-way issued to Qwest Corporation. The subject property under private ownership will eventually be further developed, upgraded in support of the Roswell Gun Clubs mission.

## **CONSULTATION AND COORDINATION:**

### **PERSONS AND AGENCIES CONSULTED**

Quest Corporation right-of-way holder NM 55592  
New Mexico State Highway Department right-of-way holder NMLC 065823

The beginning of the comment period will begin with the publishing of the Notice of Realty Action (NORA) in the Federal Register and will continue for 45 calendar days. The direct sale notice will be published in the Roswell Daily Record once a week for three weeks.

The following Native American Tribes were consulted.

Comanche Nation  
Kiowa Tribe of Oklahoma  
Apache Tribe of Oklahoma  
Mescalero Apache Tribe

We received one reply from the Comanche Nation indicating that the Comanche Nation did not have sites within the proposed land sale.

The New Mexico State Historic Preservation Officer (SHPO) was also notified regarding the land sale.

### **LIST OF PREPARERS**

This EA was prepared by an interdisciplinary team of BLM resource specialists. The team participated in an interdisciplinary screening and scoping process to identify issues, develop alternatives, and assess impacts. All resources were considered, and those elements determined by the team to be affected are discussed in this EA. The following individuals participated in the preparation of this EA:

Angel Mayes – Assistant Field Manager	Bill Murry – Recreation/Visual/Wilderness
Rebecca Hill – Cultural Resources	Michael McGee – Hydrologist
Howard Parman – Environmental Coordinator	
Helen Miller – Livestock	Kyle Arnold - Vegetation/Weeds
John Simitz– Minerals	Dan Baggao – Wildlife, Riparian, T&E Spp
Al Collar – Hazardous Materials	

